IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

CRP.No. 1759 of 2003(I)

AGAINST THE ORDER DATED 05/08/2003 IN AP.71/1998EP.1.00 IN EA.1/2000 of DISTRICT COURT, THODUPUZHA

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REVN. PETITIONER: JUDGMENT DEBTORS 1 AND 3

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1. V.M.OUSEPH, AGED 77 YEARS,
   S/O. MATHAI, VEMBILLIL HOUSE,
   VENGALLOOR KARA, THODUPUZHA.

2. JOJI JOSEPH, AGED 41 YEARS,
   S/O. V.M.OUSEPH, VEMBILLIL HOUSE,
   VENGALLOOR KARA, THODUPUZHA.

BY ADV. SRI.R.HARIKRISHNAN
SRI.C.HARIKUMAR
SMT.R.REMA
SRI.N.ASHOK KUMAR

RESPONDENTS: DECREE HOLDER

M/S.I.C.D.S LTD., REPRESENTED BY ITS
ASSISTANT MANAGER, PRADEEP KUMAR,
S/O. K.V.KRISHNAN NAIR, BRANCH OFFICE,
THODUPUZHA, DOOR NO.XXI/134, 1ST FLOOR,
THOTTUPURAM BUILDING, MUVATTUPUZHA ROAD,
THODUPUZHA.

BY ADV. SRI.S.R.DAYANANDA PRABHU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP No. 1759 of 2003

ORDER ON IA No. 1584 OF 20003 IN CRP No. 1759 OF 2003

DISMISSED.

24.08.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P. No. 1759 OF 2003

Dated this the 24th day of August, 2007

O R D E R

Impugned in this Civil Revision Petition is the order of the District Judge, Thodupuzha passed in execution of an award passed in AP No.71 of 1998. The ground which is prominently raised is that the Thodupuzha District Court did not have jurisdiction to execute the award at all. It is seen that the ground was never raised before the Learned District Judge. I am inclined to grant an opportunity to the petitioner to raise this ground of objections regarding the jurisdiction of the District Judge, Thodupuzha to execute the award but only on condition. Accordingly, the impugned order will stand set aside and the execution petition will go back to the District Judge, Thodupuzha on condition that the petitioner pays a sum of Rs.50,000/- towards the amount due under the award in question within two months of his receiving copy of this judgment. Once the Learned District Judge notices evidence regarding the payment of the above amount, he will post the Execution Petition again for hearing, hear the parties on the question of jurisdiction and pass fresh orders on that question before proceeding further with the execution.

PIUS C. KURIAKOSE, JUDGE

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